IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT No. 1447 of 1987

The Board of Trustees of the Port
of the Bomaby .. Plaintiff

versus

Nahar Spinning Mills Ltd. .. Defendants

...

Mrs.Motiwala i/b Motiwalla & Co. for the plaintiff.
Mr.Mohan Salian i/b Gagrat & Co. for the defendant.

CORAM : D.G. KARNIK, J

DATED : 13th July 2006.

P.C.:

1. Mr.Salian appears for the defendant and undertakes to file vakalatnama within a period of one week. Undertaking is recorded and accepted.

2. The defendant has not filed written statement though the suit was filed in the year 1987 i.e. about 19 years ago. In the absence of written statement,

averments made in the plaint are deemed to be accepted.

3. Suit is for recovery of money only. Considering the nature of the suit, I consider it appropriate to proceed under Order 8 Rule 5(2) r/w Order 8 Rule 10 of the Code of Civil Procedure. Accordingly, suit is decreed in terms of prayer clause (a) of the plaint.

(D.G. KARNIK, J)